

REMARKS

The outstanding Office Action addresses claims 1-8 and 16-24, rejecting claims 1-2, and 7-8, and objecting to claims 1-8 and 16-24.

In response to the objection of claims 1-8 and 16-24 for the misspelling of "bioabsorbable" in claim 1, claim 1 has been amended to include a space between "a" and "bioabsorbable."

Double Patenting Rejections

Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 25 and 26 of U.S. Patent No. 6,599,323. Applicants have filed a terminal disclaimer with this response to overcome this rejection.

Claims 1, 2, 7, and 8 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3, and 4 of copending Application No. 09/747,488. Upon the filing of the Terminal Disclaimer, the obviousness-type double patenting rejection of claim 1 will be overcome. Thus, this provisional obviousness-type double patenting rejection will be the sole rejection remaining. MPEP §822.01 states that:


If the "provisional" double patenting rejection in one application is the only rejection remaining in that application, the examiner should then withdraw that rejection and permit the application to issue as a patent....

Accordingly, the Examiner must withdraw this provisional rejection and issue a Notice of allowance.

The Examiner is urged to telephone the undersigned attorney for Applicant in the event that such communication is deemed to expedite prosecution of this application.

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Respectfully submitted,

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